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July 26, 1996

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

PHASE SHIFT BALLOT MEASURES FOR THE LOWER
SAN DIEGUITO RIVER
VALLEY/ORDINANCE NOS. O-97-18 AND O-97-20

INTRODUCTION

By Resolution No. R-287506, adopted on June 11, 1996, the City Council approved a settlement in the case San Dieguito Partnership, L.P., et al. v. City of San Diego, et al., Superior Court Case No. 675245. That settlement called for the City Council to consider placing on the ballot for the Special Municipal Election to be held on November 5, 1996, General Plan amendments to redesignate certain property owned by the San Dieguito Partnership ("Partnership") in the North City Future Urbanizing Area ("NCFUA") to Planned Urbanizing from Future Urbanizing (an action commonly known as a "phase shift"), as required by Proposition A. Proposed Ordinance Nos. O-97-18 and O-97-20 (docket items 347 and 348, respectively) would place such measures on the ballot for 13 and 32.8-acre parcels of property owned by the Partnership and known as the Villas and Villages, respectively.

Normally, pursuant to Council Policy, the Council would be considering the merits of a project before deciding to place a phase shift on the ballot. Due to the timing of the settlement negotiations in this matter, however, there was not sufficient time to process the projects before a decision needs to be made on whether to place them on the ballot. Having waived the Council Policy through the settlement agreement, the Council is considering at this time whether to place these matters on the ballot.

It must be emphasized that, through the settlement agreement, the Council has not agreed to approve the projects nor place them on the ballot. The Council has only agreed to consider taking such actions, and the Council retains its full discretion to disapprove the projects or not place them on the ballot. In addition, the projects will receive full review in the normal course, including consideration by the Planning Commission, and preparation and review of Environmental Impact Reports (EIRs). The electorate and the Council will thus be fully informed of the nature of the projects prior to the vote in November. Finally, the proposed General Plan amendments will place specific development restrictions and obligations on the proposed projects, and will not be effective unless the Council conditionally approves the projects prior to the vote.

The Partnership has filed the necessary applications for development of the property, subject to the vote of the electorate. Environmental review of the proposed development is proceeding, and will be complete and considered by the Council when the various applications are before the Council later this fall. Draft EIRs have been circulated, and the proposed developments are sufficiently certain that the Council may make an informed decision as to whether these matters should be placed on the ballot.

This Report will generally describe the proposed projects. Staff will make a presentation at the Council hearing which will provide a fuller description.

THE VILLAS

The Villas is located on a total of 27 acres located just east of El Camino Real on the south side of the San Dieguito River Valley. The property is in Subarea II of the NCFUA. Attachment "A" is a map of the property. As Attachment "A" sets out, only the 13 acres immediately adjacent to El Camino Real will be subject to the phase shift. The remainder (14 acres) will be reserved as open space as described below. The project is for 80 detached single family residences.

The current zoning for the property is A-1-10, which, if the density bonus provisions were utilized, would allow a residential density of one (1) unit per four (4) acres, or six (6) units on the entire 27-acre parcel and three (3) units on the 13-acre phase shift parcel. There is currently no activity on the property.

The draft EIR (No. 95-0197) has identified significant unmitigated impacts in the following categories: land use, cumulative traffic circulation, cumulatively significant impacts related to visual quality, air quality and water quality. Approval of the project will require the decision maker to make findings, substantiated in the record, that: a) project alternatives are infeasible, and b) the overall development plan for the project is acceptable despite significant impacts because of specific overriding considerations.

The Partnership is currently preparing a financing plan for Subarea II. Fees collected for the project will go towards improvements of Via de la Valle, El Camino Real and the project's fair share of public facilities.

The Partnership proposes to preserve as open space, through appropriate means, approximately 14 acres that have been identified as a wildlife corridor in the Environmental Tier of the NCFUA Framework Plan, and in the proposed Multiple Species Conservation Plan ("MSCP"). That parcel is located in the valley on the northeast side of the property, and is shown on Attachment "A" as "Gonzalez Canyon."

To implement the project, the Partnership has applied for the proposed General Plan amendment, a Local Coastal Program

amendment, NCFUA Framework Plan amendment, rezone to R1-5000, vesting tentative map, Planned Residential Development Permit and Resource Protection Ordinance Permit with alternative compliance. Initially, the Partnership requested a development agreement but that request had been dropped. The proposed General Plan amendment would limit development of the property to 80 units and require the preservation of the open space. As indicated above, the General Plan amendment would not be effective unless the Council conditionally approves the project prior to the vote in November.

THE VILLAGES

The Villages is located on a total of 54.1 acres just south of Via de la Valle and just east of San Andreas Drive. This property is also within Subarea II. Attachment "B" is a map of the property. As Attachment "B" sets out, only 32.8 acres will be subject to the phase shift. The remainder (21.3 acres) will be reserved as open space as described below. The proposed project is for commercial development at not more than a .20 (20%) Floor Area Ratio ("FAR"), calculated on the basis of the 32.8 acres subject to the phase shift. Although the project as currently proposed is only for commercial development, the Partnership requests a rezone of the property to CA-RR (mixed use commercial/ residential restricted) which would allow for some level of residential use in the future within the .20 FAR.

As with the Villas, the current zoning for the property is A-1-10, which, if the density bonus provisions were utilized, would allow a residential density of one (1) unit per four (4) acres, or thirteen (13) units for the entire 54.1-acre parcel and eight (8) units for the 32.8-acre phase shift parcel. The existing zoning would not allow commercial development.

The draft EIR (No. 95-0196) has identified significant unmitigated impacts in the following categories: land use, biological resource (encroachment into 1-criteria REPO and SCR defined wetlands and wetland buffers) and visual quality (future commercial uses located within the viewshed of the adjacent San Dieguito River Valley Regional Open Space Park). Other cumulatively significant impacts related to traffic circulation, visual quality, air quality, water quality and agricultural

resources would result as well. As with the Villas, approval of the project will require the decision maker to make findings, supported in the record, that: a) project alternatives are infeasible, and b) the overall development plan for the project is acceptable despite significant impacts because of specific overriding considerations.

As mentioned above, the Partnership is preparing a financing plan for Subarea II. Fees collected for the project will go towards improvements of Via de la Valle, the intersection of Via de la Valle and El Camino Real West, and the project's fair share of public facilities.

The Partnership proposes to preserve for wetland restoration, through appropriate means, approximately 21 acres located just to the south of the 32.8 acres that is the subject of the phase shift. This parcel is immediately adjacent to the Regional Park, and is shown on Attachment "B."

To implement the project, the Partnership has applied for the proposed General Plan amendment, a Local Coastal Program amendment, NCFUA Framework Plan amendment, rezone to CA-RR, vesting tentative map and Resource Protection Ordinance permit with alternative compliance. Initially, the Partnership requested a development agreement but that request has been dropped. The proposed General Plan amendment would limit development to the .20 FAR and require the preservation of the open space. As indicated above, the General Plan amendment would not be effective unless the Council conditionally approves the project prior to the vote in November.

Respectfully submitted,

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